

# Midwest Environmental ADVOCATES

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## **Once Again, Factory Farms Get a Pass from a Major Environmental Law**

If you live downwind from a mega-farm, don't put away those gas masks just yet.

The Natural Resources Board voted today to approve a Department of Natural Resources (DNR) rule that grants "sources of hazardous air pollution associated with agricultural waste" (read: manure) yet another exemption from state requirements concerning toxic air emissions. Now, these sources of pollution won't have to meet state requirements until July 31, 2011.

In 2004, when the DNR made changes to its regulations concerning hazardous air pollution, agricultural sources were given an initial three-year exemption, ostensibly to conduct research and gather information so that regulation could proceed responsibly. That exemption expired in June of 2007. During that three-year period, the DNR commenced one small study that is still not complete, and the corporate agricultural industry sat on its hands and did nothing other than hire lobbyists who could bring home yet another lengthy exemption from environmental standards.

"Today's decision is a huge disappointment for those concerned about breathing clean, healthy air in Wisconsin," said Jamie Saul, Staff Attorney with Midwest Environmental Advocates. "The simple technology that exists now for controlling toxic emissions from mega-farms is being used in other states, and the DNR's additional four-year delay is a blow to rural communities."

Manure, when concentrated and stored in massive quantities, has the potential to release dangerous amounts of ammonia, hydrogen sulfide, and particulate matter. While these toxic gasses are most dangerous to those working in close proximity to the stored manure, studies show that they can also pose a health threat to those who live downwind of the facility.

No other industry has earned an exemption from these much-needed state requirements. And though it is true that agricultural waste is challenging to regulate because of its diffuse nature (contrasted with a typical factory smokestack), state regulations allow for a

flexible system of Best Management Practices to reduce these emissions from agricultural sources. And what's more, the emission levels triggering state regulation are so high that only the very largest livestock operations would be covered by the rule.

Still, this flexibility and initial delay weren't enough for the DNR and corporate agriculture, who complained that regulation would be too burdensome and scientifically unfounded. But while state and federal studies continue, and may yield valuable information, other states such as Iowa, Colorado, and North Carolina have already taken steps to reduce toxic emissions from agricultural sources, leaving Wisconsin in the (manure-laden) dust.

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**Fast Facts:**

- On February 27, 2008, the Natural Resources Board approved a rule package proposed by the Wisconsin Department of Natural Resources. The changes modify portions of chapters NR 406, 407, and 445, Wisconsin Administrative Code, pertaining to air permit and hazardous air pollutant requirements for emissions associated with agricultural waste. Most importantly, the rule package changed the date by which agricultural sources must comply with those state requirements from July 31, 2007 to July 31, 2011.
- The toxic pollutants emitted by agricultural waste that are of greatest concern to public health are ammonia and hydrogen sulfide.
  - *Ammonia*, in gaseous form, can lead to irritation of the skin, eyes, respiratory tract, and digestive tract. Intensive exposure can lead to permanent blindness, lung disease, and death.
  - *Hydrogen Sulfide*, in low concentrations, may cause irritation to the eyes, nose, and throat, and may cause breathing difficulty for asthmatics. Exposure to high concentrations may lead to permanent or long-term health effects such as headaches, decreased memory, impaired motor function, or death.
- Midwest Environmental Advocates submitted written and oral testimony opposing the proposed rule changes at the DNR's public hearing on September 10, 2007, and at the Natural Resources Board meeting on January 22, 2008.
- Midwest Environmental Advocates is the first and only non-profit environmental law center in Wisconsin. MEA provides legal and technical support to grassroots groups that are working for environmental justice in the Western Great Lakes region. For more information, see [www.midwestadvocates.org](http://www.midwestadvocates.org)